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RESOLUTION NO. 05-431

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON KITE FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF THE PLAT, AND ON MARBLEFALLS FROM THE SOUTH LINE OF KITE, SOUTH TO THE SOUTH LINE OF LOT 38, BLOCK C, AND ON KITE CT. (LOTS 11 THROUGH 17, BLOCK D) FROM THE NORTH LINE OF KITE, NORTH TO AND INCLUDING THE CUL-DE-SAC, ON KITE CT. (LOTS 31 THROUGH 41, BLOCK A), FROM THE SOUTH LINE OF KITE, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON KITE CT. (LOTS 42 THROUGH 53, BLOCK A) FROM THE SOUTH LINE OF KITE, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON KITE AND MARBLEFALLS (NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE) 472-84264 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON KITE FROM THE EAST LINE OF THE PLAT, WEST TO THE WEST LINE OF THE PLAT, AND ON MARBLEFALLS FROM THE SOUTH LINE OF KITE, SOUTH TO THE SOUTH LINE OF LOT 38, BLOCK C, AND ON KITE CT. (LOTS 11 THROUGH 17, BLOCK D) FROM THE NORTH LINE OF KITE, NORTH TO AND INCLUDING THE CUL-DE-SAC, ON KITE CT. (LOTS 31 THROUGH 41, BLOCK A), FROM THE SOUTH LINE OF KITE, SOUTH TO AND INCLUDING THE CUL-DE-SAC; AND ON KITE CT. (LOTS 42 THROUGH 53, BLOCK A) FROM THE SOUTH LINE OF KITE, SOUTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ON KITE AND MARBLEFALLS (NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE) 472-84264 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct pavement on Kite from the east line of the plat, west to the west line of the plat, and on Marblefalls from the south line of Kite, south to the south line of Lot 38, Block C, and on Kite Ct. (Lots 11 through 17, Block D) from the north line of Kite, north to and including the cul-de-sac, on Kite Ct. (Lots 31 through 41, Block A), from the south line of Kite, south to and including the cul-de-sac; and on Kite Ct. (Lots 42 through 53, Block A) from the south line of Kite, south to and including the cul-de-sac and that sidewalk be constructed on Kite and Marblefalls (north of 45th St. north, west of Hillside) 472-84264.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Five Hundred Forty-Three Thousand Dollars (\$543,000)** exclusive of the cost of

interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2005** exclusive of the costs of temporary financing

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FALCON FALLS 2ND ADDITION

Lots 30 through 55, Block A

Lots 38 through 43, Block C

Lots 1 through 23, Block D

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 30 through 55, Block A, Lots 38 through 43, Block C, and Lots 1 through 23, Block D, FALCON FALLS 2ND ADDITION shall each pay 1/55 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment of said tract, lot, or parcel and shall be in addition to the assessment for other improvements

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby

authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, August 16, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)